83. Inspection of a Co-operative:

(1) The Registrar either suo-moto (or based on an application made by a Co-operative, or not less than one third members of the management committee or not less than one tenth of total number of members of co-operative, or a creditor or debtor or depositors) may hold an inspection himself/herself or order or direct, some other person to hold an inspection in to the constitution, working, financial condition and status of a Co-operative.

(2) The Registrar, before directing or ordering the conduct of an inspection in a Co-operative, shall provide an adequate opportunity to such co-operative for making representation on the subject matter and if not satisfied with the reply given by Co-operative may order or direct for the conduct of inspection on aspects identified by the Registrar or on the issues raised in the application, as the case may be.

(3) In the event of an inspection demanded by persons or authorities specified under sub-section (1), the Registrar may order or direct the conduct of inspection only after the receipt of required fee deemed sufficient enough to conduct and complete the inspection from persons or authorities who demanded conduct of such an inquiry.

(4) The inspection ordered or directed shall be completed within a period specified in the order or direction and in any case such period shall not exceed ninety days from the date of the order or direction of such inspection.

(5) The Registrar while holding an inspection or persons authorized by Registrar to hold such an inspection shall have:

- (a) free access to the books of accounts, documents, securities, cash or other properties of the Co-operative;
- (b) power to summon persons in possession or responsible for the custody of documents specified under sub-section 5(a).

(6) The Registrar, within a period of thirty days from the date of completion of inspection, shall communicate the result or findings of such inspection report to:

- (a) the applicants or persons who demanded such an inspection;
- (b) the Co-operative;
- (c) the persons or authorities, if any, named therein in the application for conduct of inspection;
- (d) the financial institutions or funding agency or authority;
- (e) any member or person, on payment of fee prescribed by the Registrar.

(7) The Registrar shall have power to withdraw any inspection from authorized persons or authorities to whom it was entrusted and hold the inspection either himself/herself or entrust the task to any other persons or authorities as he/she deems fit.

(8) The Co-operative Society concerned shall on receipt of the report, place it before the next Annual General Meeting or Special Annual General Meeting

with action taken report and to take such action thereon as the General Body may think fit, which may include removal of all or any directors or any other action on employee as required.

(9) A copy of the report shall be supplied to any member on requisition and on payment of fees to be determined by the Registrar.

84. Cost of Inquiry and Inspection:

(1) Whereas an Inquiry is held under Section 82 or an Inspection is carried out under Section 83, the Registrar may apportion the cost of Inquiry or Inspection as the case may be between the Co-operative, Members, Creditors or Debtors or Depositors demanding such an Inquiry or Inspection and Officers of Co-operative. The members and officers, for purposes of this section shall not only include present members and officers but also former officers and past members.

(2) The Registrar, before apportioning cost of Inquiry or Inspection as the case may be, as referred under sub-section (1) shall provide a reasonable opportunity of hearing to the co-operative or other persons such as Creditors, Debtors or Depositors liable to pay such costs.

(3) While apportioning the cost of Inquiry or Inspection, the Registrar shall record in writing the reasons, grounds or basis on which the costs were apportioned either proportionately or disproportionately.

(4) Any sum awarded by way of cost under this section shall be recoverable as the fees for Inquiry or Inspection in the manner of realization of Audit Fees or through a Co-operative Demand Certificate.

85. Recovery of cost:

The cost awarded under Section 84 may be recovered on an application made by the Registrar to the Magistrate having jurisdiction over the place where the persons against whom the cost recoverable resides or carries on business or trade or property of such person is situated and such Magistrate shall recover the same as if it were a fine imposed by himself/herself.

86. Initiation of Surcharge proceeding against delinquent officers or members by Registrar:

(1) Whereas the Registrar is satisfied either on the basis or as a result of Audit Report made under section 76 or an Inquiry Report made under Section 82 or an Inspection Report made under Section 83 or winding up of Co-operative under section 93, that any person who has been entrusted with or taken part in the organization or management of a Co-operative or who is or has at any time been an Officer or Employee of a Co-operative, has made payment contrary to the provisions of this Act, Rules or Bye-Laws or caused any loss, damage to or deficiency in the assets of co-operative by breach of trust or willful negligence or has misappropriated or fraudulently retained any money or other property

belonging to the Co-operative, the Registrar may on his/her own motion or on the application made by Management Committee, Auditor, Liquidator, or any Creditor, may frame charges against such persons and inquire himself/herself, or direct any authorized person in writing, to inquire into the conduct of such persons and after providing a reasonable opportunity to reply or answer the charges framed to the concerned persons, may make an order directing him/her or them to repay or return the money or restore property with interest as determined by Registrar or to pay compensation with regard to the misappropriation, misapplication, retention, misfeasance or breach of trust as the Registrar may determine.

(2) The persons or such persons or concerned persons referred under sub-section (1), shall not only include present members or officers or employees or board members, etc. but also include past, or deceased, legal heirs or representatives, members or employees or board members respectively.

(3) The act of framing charges, conduct and completion of proceedings referred under sub-section (1) shall be completed within three years from the date of submission of reports of audit, inquiry, inspection or date of the order of winding up of co-operative.

(4) The Registrar or persons authorized by him/her in this regard may also provide for the payment of total cost or part thereof and direct that such costs shall be recovered as arrears of land revenue from such persons against whom such orders have been passed.

87. Prohibition of use of word Co-operative and Penalty:

1) No person other then a Co-operative Society registered under this Bill shall, without the permission of the State Government function, trade or carry on business under any name or title of which the word 'Co-operative' or its equivalent in any Indian language from a part.

2) Every person who is a member of a Co-operative Society formed in contravention of Section 4 and Section 6 of this Bill and every person contravening the provisons of sub-section (1) shall be punishable with a fine of not less than five thousand rupees or as the Registrar deem fits for and in the case of a continuing offence with further fine of five hundred rupees for each month on which the offence is continued after conviction thereof.

88. Offence:

1) A person who makes or assists in making a report, return notice or other documents required under this Bill to be punished or sent to the Registrar or to any other person that -

   a) Contains an untrue statement of a material; or

   b) Omits to state a material fact required in the report or makes a statement contained in the report misleading in the light of the circumstances in which it was made; shall be guilty of an offence and shall on summary conviction, be punishable –

- i) In case of an individual, with imprisonment for a term which may extend to ninety days or with a fine not less than ten thousand rupees or both;
- ii) In the case of juristic person other than an individual, with a fine not less than ten thousand rupees or as the Registrar may deem fit.

2) (a) if the person commiting an offence under sub-section (1) in a co-operative society which is a body corporate, the Co-operative Society as well as every person incharge of and responsible to the Co-operative Society for the conduct of its business at the time of commission of the offence shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

(b) notwithstanding anything contained in clause (a) where an offence has been committed by a Co-operative Society and it is proved that the offence has been committed with the consent of and connivance of or that the commission of the offence is attributable to any neglect on the part of any Director, Manager, Secretary or other Officer of the Co-operative Society; such Director, Manager, Secretary or other Officer shall also be deemed to be guilty of that offence and shall be punishable with imprisonment for a term which may extend to ninety days or with fine of three thousand rupees or with both.

3) No person shall be guilty of an offence under sub-section (1) or sub-section (2) where the untrue statement or omision –

- a) Was not known to him/her; and
- b) After exercising reasonable diligence fact could not have been known to him/her.

4) Every person who –

- a) Without reasonable cause, contravenes a provision of this Bill for which no penalty is otherwise provided; or
- b) Fails to file or furnish return or to give any notice or to send any document required by the provisions of this Bill shall be guilty of an offence and shall, on summary conviction, be punishable with a fine not less than five thousand rupees or as the Registrar may deem fit.

5) Where a person is convicted of an offence under this Bill, the court may in addition to any punishment imposed, order the person to comply with the provisions of this Bill for the contravention of which he/she has been convicted.

6) No prosecution for an offence under this Bill shall be commenced after five years from the date from when the subject matter of the complaint arose.

7) No civil remedy for an act or omission under this Bill is suspended or affected by reason that the act or omission is an offence under this Bill.

89. Power to enforce attendance:

The Registrar or persons authorized by him/her while conducting an Inquiry under Section 82, an Inspection under Section 83 or surcharge proceedings under Section 86, shall have the power to summon and enforce attendance of any person or to compel the production of documents or other material objects in the same manner and procedure as provided under the Code of Civil Procedure 1908.

CHAPTER VII
SETTLEMENT OF DISPUTES

90. Reference of dispute:

Any dispute touching the business of a registered society other than a dispute regarding disciplinary action taken by a society against an employee of the society, or of the Liquidator of a society shall be referred to the Registrar for decision, if the parties thereto are among the following:-

a) The society, its past or present controlling or managing body any past or present officer, agent or employee or the liquidator of the society; or
b) Member, past member or persons claiming through a member past member or deceased member of the society; or
c) A surety of a member, a past member or deceased member of the society; or
d) Any other registered society or the Liquidator of the society;
e) A registered society and a financing Bank.

91. Settlements of dispute:

1) The Registrar shall on receipt of a reference under Section 90 –
   a) Decide the dispute himself/herself or authorise any other Government Officer to decide the dispute; or
   b) Refer it for disposal to an Arbitrator appointed by the Registrar or to three Arbitrators, one to be nominated by each of the parties to the dispute and the third who shall be nominated by the Registrar to act as Chairman. Where any party to the dispute fails to nominate an arbitrator within fifteen days after the communication of this notice, the Registrar may himself/herself make the nomination. No legal practitioner may be nominated as an Arbitrator by any party to a dispute or by the Registrar;
   c) An Arbitrator appointed under the previous sub-clause shall be governed by the Indian Arbitration Act, 1940, with such statutory re-enactment or modification thereof as shall from time to time be made.
2) The Registrar may withdraw any reference of such dispute referred to under sub-section (1) and may deal with it himself/herself under the said sub-section.
3) Where the Registrar is satisfied that a party to any reference made to him under Section 90 with intent to defeat or delay the execution of any decision that may be passed thereon –
   a) Is about to dispose of the whole or any part of his property; or
   b) Is about to remove the whole or any part of his property from the local limits of the jurisdiction of the Registrar.

The Registrar may direct the conditional attachment of the said property or such part thereof as he/she deems necessary and such attachment shall have the same effects as if it had been made by a competent Civil Court.

CHAPTER-VIII
DISSOLUTION OF A SOCIETY

92. Cancellation of registration:

(1) If the Registrar, on receipt of an application made upon resolution adopted in a meeting of the General Assembly by a three-fourth majority of the members present in the meeting, provided that the notice of dissolution was included in the circulated agenda of the meeting, is of opinion that the society ought to be dissolved, he/she may, by an order in writing, cancel the registration of the society.

(2) The Registrar, after an inquiry has been held under Section 82 or after the inspection has been made under Section 83 may cancel the registration of a Society which:-

- (i) has not commenced working; or
- (ii) has ceased working ; or
- (iii) has ceased to comply materially with any condition as to registration in this Act, Rules or Bye-Laws; and
- (iv) In his/her opinion ought to be dissolved.

(3) A copy of the order cancelling the registration of a society shall forthwith be published in the Official Gazette by a notice, which shall be communicated to the society and to the affiliating society concerned by registered post. The notice shall contain the name of the Liquidator appointed under Section 90 who shall take full charge of the society forth with and shall require all claims against the said society to be made to the liquidator within two months of the publication of the notice. All liabilities recorded in the account books of the society be deemed ipso facto to have been so claimed.

(4) When the cancellation of the registration of a society takes effect, the society shall cease to exist as a corporate body, but shall vest in the liquidator.

(5) Any member of the society may, within two months from the date of publication of the order of cancellation, appeal to the State Government from such order.

(6) Where no appeal is presented within two months from the publication of an order for canceling of the society, the order shall take effect on the expiry of the period.

(7) When an appeal is presented within two months of an order of cancellation, the order shall not take effect until it is confirmed by the State Government and such confirmation is communicated to the society by registered post.

93. Winding up, appointment of Liquidator and his powers and function:

(1) When an order of cancellation of the registration of a society is made by the Registrar under Section 92, he/she may appoint any person to be the Liquidator of the society and may remove such person and appoint another in his/her place.

(2) The Liquidator appointed under Sub-section (1) shall have power from the date of his appointment to take immediate possession of all assets, properties, effects and actionable claims of the society or to which the society is entitled and all books, records, cash and other documents pertaining to the business of the society and in the interest of the society shall hold charge of the society notwithstanding the provisions of Section 92 provided that no steps shall be taken for the winding up of the society during the pendency of any stay order.

(3) The Liquidator shall, under the general control of the Registrar, have power, so far as is necessary for the winding up of the society, on behalf of the society to carry on the business thereof and to do all acts and execute all documents necessary to such winding up, and in particular shall exercise the following powers :

(a) To institute, compromise and defend suits and other legal proceedings on behalf of the society;

(b) To make any compromise or arrangement with any person between whom and the society there exists any dispute;

(c) To determine the debts to the society by a member, past member or estate nominees, heirs or legal representatives of deceased members;

(d) To determine from time to time the contribution to be made or remaining to be made by the members, past members or by the estate or nominees, heirs or legal representative of deceased members or by any officers or former officers, to the assets of the society and to determine the debt due from such members or persons and the cost of liquidation;

(e) To calculate the cost of liquidation and determine by what persons and in what proportion they are to borne;

(f) To investigate all claims against the society band subject to the provisions of this Bill to decide questions of priority arising between claimants;

(g) To pay claims against the society including interest up to date of cancellation of registration according to their respective priorities, if any, in full or rateably as the assets including the reserve fund of the society, permit; the surplus, if any, remaining after payment of claims being applied in payment of interest from the date of such cancellation at the rate fixed by him but not exceeding the contract rate in any case;

(h) To take steps to recover dues according to the provisions of Section 100, if necessary; and

(i) To dispose of the surplus, if any, remaining after paying the claims against the society in accordance with Section 94.

(4) Subject to the provisions of this Act and Rules made there under, a Liquidator appointed under Section 93 (1) shall, in so far as such powers are necessary for carrying out the purpose of this section, has the power to summon and enforce the attendance of witnesses and to compel the production of any Books, Accounts, Documents, Securities, Cash or other Properties belonging to or in the custody of the society by the same means and so far as may be in the same manner as is provided in the case of a Civil Court under Code of Civil Procedure, 1908.

(5) Notwithstanding anything contained in any law for the time being in force, if any landed property is held by a Liquidator as such the title over the land shall be completed as soon as the mutation of the name of his office is effected and no Court shall question the title on the ground of dispossession, want of possession or physical delivery of possession.

94. Distribution of fund of a dissolved society:

On dissolution of a society the reserved fund and any undisbursed cash in hand shall be applied to discharging liabilities of the society and the repayment of the share capital. Any sum that may remain may be applied to such object of local and public utility as may be selected by the members of the dissolved society and approved by the Registrar. If, within three months of the notice published in the Official Gazette under Section 95, notifying the closing of the liquidation proceedings of the society, the members fail to select any object as aforesaid, the Registrar shall, with the approval of the Government, apply the fund to such local public utility as may be determined by him/her or credit the remaining sum to the reserve fund of a society to be formed to replace the dissolved society or if there be no such society to any other deserving society existing within the same area of operation and having objects similar to those of the dissolved society or if there be no such society to any other registered society in Nagaland as may be determined by the Registrar.

95. Liquidator to deposit the books and submit a final report:

When the affairs of a registered society has been wound up, the Liquidator shall make a report to the Registrar, who, when satisfied shall order the liquidation proceeding to be closed and direct the Liquidator to deposit the records whatsoever the Registrar thinks fit and the Registrar shall issue a notice in the Official Gazette, notifying the closing of the liquidation proceedings of the society.

96. Disposal of surplus assets of liquidation Co-operative Societies.

After all the liabilities including the paid up share capital of a wound up Co-operative Society have been met, the surplus assets shall not be divided among its members but they shall be applied to any object described in the Bye-Laws and when no object is so prescribed in the Bye-Laws, to the Co-operative Development Fund.

97. Bar of suits or legal proceeding:

When an order to wind up the Co-operative Society has been made or the Liquidator has been appointed a suit or other legal proceeding relating to business of such Co-operative Society shall be proceeded with or instituted against the Liquidator as such or against the Cooperative Society or any member thereof except with the leave of the Registrar and subject to such conditions as he/she may impose.

98. Final Accounts:

(1) A Liquidator shall pay the costs of liquidation out of the property of the Co-operative Society and shall pay or make adequate provision for all claims against the Co-operative Society.

(2) Subject to the provisions of Section 60 after paying or making adequate provision for all claims against the Co-operative Society, the Liquidator shall apply to the Registrar for approval of his/her final accounts and for permission to distribute in cash or in kind the remaining property of the Co-operative Society in accordance with the Bye-Laws.

(3) Where the Registrar approves the final accounts rendered by a Liquidator under sub-section (2), he/she shall

- (a) Issue direction with respect to the custody or disposal of the documents and records of the Co-operative Society; and
- (b) Discharge the Liquidator.

(4) Where the Registrar discharges a Liquidator under sub-section (3) the Registrar shall dissolve the Co-operative Society, issue a certificate of dissolution and delete its name from the Registrar of Co-operative Societies.

(5) The Co-operative Society ceases to exist on the date shown in the certificate of Dissolution, which shall not be later than eight years after the appointment of the Liquidator.

99. Bar of Suit:

Save in so far as is expressly provided in this Bill, no Civil Court shall take cognizance of any matter concerned with the winding up or dissolution of a society under this Bill and when a Liquidator has been appointed no suit, order or legal proceedings shall lie or be proceeded with against him except by leave of the Registrar and subject to such terms as he may impose.

CHAPTER-IX
RECOVERY OF SUMS DUE

100. Recovery of sums due and enforcement of obligations:

(1) Notwithstanding anything contained in this Bill, the Registrar or such other persons as may be authorized in this behalf, may, on his/her own motion when the interest of the Government is involved or on the written requisition of a registered society, an affiliating society or finance bank for the recovery of any loan or any other sum due by a defaulting member after due inquiry as he/she may deem fit and after a reasonable opportunity of being heard, grant a Co-operative Demand Certificate for recovery of any amount found to be due.

(2) (a) If any instalment of loan or interest payable by a member of a Co-operative Society or any part of such instalment has remained unpaid for more than 30 days from the date on which it fell due, the Board may, in addition to any other person authorize for the recovery or such instalment or part thereof, recover the instalment or such part thereof by distrain and sale of the produce of the charged land including the standing crop;

(b) On receipt of such application the Registrar or the person authorized by him/her may, notwithstanding anything contained in the Transfer of Property Act, 1882, take action in the manner as prescribed for the purpose of distraining and selling such produce.

Provided that no distrain shall be made after the expiry of twelve months from the date on which the installment fell due;

(c) The value of the property distrained shall be, as nearly as possible equal to the amount due and the expenses of the distrained and the costs of the sale.

101. Charge and Surcharge:

(1) Where, as the result of an audit under Section 76 or an inquiry under Section 82 or an inspection under Section 83 or a report made in the course of the winding up of a registered society, it appears to the Registrar that any member, officer or employee past or present, of the society has at any time within a period of four years prior to the date of such Audit, Inspection, Inquiry or Report, as the case may be,

(a) Intentionally, whether individually or as an assenting members of any managing or other controlling body, made or authorized any payment or granted any loan which is contrary to the provision of this Bill or to the

Rules or Bye-Laws or failed to take timely steps to recover any loan at the due date or it was being improperly utilized; or

(b) was grossly negligent in respect of any loss or deficiency;

(c) Failed to bring into account any sum which ought to have been brought into account; or

(d) Misappropriated or fraudulently retained any property of the society; or

(e) Committed breach of trust in relation to the society, the Registrar may inquire into the conduct of such officer or members of the managing or other controlling body.

(2) The Registrar may similarly inquire into the conduct relating to the affairs of the society or of any member, officer or employees, past or present, of a registered society on the application of the present controlling or managing body of the society or liquidator, or any creditor is affiliated or any contributory.

(3) Upon such inquiry given such member, officer or employee an opportunity of being heard and in the case of payment made contrary to the provision of this Bill or Rules or Bye-Laws after affording such member, officer or employee time to recover the amount of such payment from the payee and credit it to the funds of the society, if such member, officer or employee fails to recover the amount then the Registrar may by an order in writing require such member, officer or employee to pay such sum with interest at such rate as the Registrar may direct the society by way of compensation in respect of such payment or loss or to restore such property as the Registrar thinks fit, and to pay such sum as the Registrar may fix to meet the cost of the proceeding under this section.

(4) Any award made by the Registrar under sub-section (3) shall be reduced to the form of a Co-operative Demand Certificate by the officer authorized to issue such certificates.

(5) This section shall apply notwithstanding that such member, officer or employee may be his act or omission have incurred in addition to criminal liability under this Bill or any other law for the time being in force.

CHAPTER-X
PENALTY

102. Punishment for false information, disobeying summons, order etc.:

If a registered society or an officer or member thereof or any Liquidator:-

(a) Wilfully makes a false return or furnishes false information or wilfully neglects or refuses to do any act required by this Bill or any Rules or Bye-Laws or does anything contrary to this Bill or any Rules, or Bye-Laws or fails to submit returns, or

(b) Any person wilfully or without reasonable excuse disobeys any summons, requisition or lawfully written order issued under the provisions of this Bill or does not produce documents or cash balance of the society or does not furnish any information lawfully required from him by a person authorized in this behalf under the provisions of this Bill or fail to maintain up-to-date account, record and other documents of the society required to be maintained by him under this Bill or Rules or Bye-Laws, he shall be punishable with a fine of not less than five thousand rupees or an higher amount fixed by the Registrar and in case of a continuing offence a further fine of fifty rupees for each day on which the offence are continued after conviction thereof.

103. Punishment for disposing property in contravention of Section 61:

Any member, past member or the nominee, heir or legal representative of a deceased member removing or otherwise disposing of any property on which a registered society holds a charge under Section 61 with intend to defraud the society or with such intents doing any other act to the prejudice of the society's charge shall be punishable with a fine not less than five thousand rupees or as the Registrar may deem fit.

104. Penalty for certain misdemeanors:

Where it appears to the Registrar, that any person has contravened the provisions of this Bill or Rules or Bye-Laws.

(a) By sitting or voting or exercising his right as members, or as a member of any managing or controlling body, or voting in the affairs of a registered society as a representative of another society which is a member of such society, when such person was not entitled so to sit, vote or exercise such rights, as the case may be; *or*

(b) By utilizing a loan for a purpose different from that for which it was granted; the Registrar may, after affording such person an opportunity to be heard by an order in writing, direct him to pay to the assets of the society by way of penalty such sum not less than five thousand rupees or as the Registrar may deem fit.

105. Power to enforce performance of obligation:

Notwithstanding anything contained in this Bill, where any registered society is required to take any action under the Bill, the Rules or Bye-Laws and such action is not taken within the time provided in this Bill, the Rules or Bye-Laws or within such times as the Registrar may specify by a notice in writing where no time is so provided, the Registrar may call upon any officer of the society whom he/she considers to be responsible for carrying out the directions, and after giving such officer an opportunity to be heard may require him to pay to the assets of the society such sum not less than rupees five thousand or as the Registrar may deem fit for each day until the Registrar's directions are carried out.

106. Cognizance of Offence:

(1) No court inferior to that of a Magistrate of the first class shall try any offence under this Bill.

(2) No prosecution for an offence under this Bill shall be instituted without the previous sanction of the Registrar.

(3) Offence under this Bill may be tried summarily.

CHAPTER XI
JURISDICTION

107. Indemnity:

No suit, proceeding or prosecution whatsoever shall lie against the Registrar or any person acting on his/her authority, or against any Liquidator in respect of anything done or purporting to be done in good faith under this Bill.

108. Bar to jurisdiction – Civil:

(1) Save as provided in this Bill, no Civil or Revenue Court shall have any jurisdiction in respect of-

(a) Registration of a society or its bye-laws or amendments of Bye-Laws; or

(b) The dissolution of a managing or controlling body and the management of the affairs of the society on dissolution thereof; or

(c) Any dispute referred to the Registrar; or

(d) Any matter in relation to the winding up and dissolution of a registered society.

(2) Save as provided in this Bill, no order, decision or award under this Bill, or working of the affairs of a registered society shall be liable to be challenged, set aside, modified, revised declared void in any court on any ground whatsoever.

109. Appeal of review:

(1) Except where otherwise expressly provided to the contrary an appeal shall lie to the Registrar from the decisions made under this Bill or Rules framed there under by any Government Officer, Liquidator appointed under Section 93.

(2) The Registrar may review any order passed by him/her at any time within sixty days from the communication of such order.

(3) Save as otherwise provided in this Bill all Rules, no appeal shall lie to the State Government against any order of the Registrar, except on a question of law, and provided such appeal is preferred within sixty days of the communication of such order.

(4) Any appellate authority and the Registrar in case of review may pass any stay order pending any appeal or review before such an authority and may award costs against any party appealing or petitioning for review if such appeal are reviewed petition is considered false, vexatious or frivolous by the authority concerned.

(5) Notwithstanding anything contained in this Bill where, with the previous sanction in writing or in requisition by the Reserve Bank of India, a Corporative Bank-

(a) is being wound up; or

(b) in respect of which a scheme of amalgamation or reorganisation is given effect, no appeal thereof shall lie or be permissible without the sanction or requisition of the Reserve Bank and that shall not be liable to be called in question.

110. Power of attachment of property:

Where the Registrar of such Gazetted Officer as may have powers delegated to him/her under section 100 is satisfied that any person holding property within its jurisdiction with intent to defeat or delay the execution of any order, under a Co-operative Demand Certificate for recovery of dues, or with intend to avoid payment of dues from such person under this Bill, Rules or Bye-Laws-

(a) Is about to dispose of the whole or any part of such property; or

(b) Is about to remove the whole or any part of such property from the local limits of the jurisdictions of the Registrar or of such Gazetted Officer, may unless adequate security is furnished, as he/she may require, direct the conditional attachment of the said property or such part thereof as he/she thinks necessary, notwithstanding that the claimant or owner of the property may reside elsewhere, and such attachment shall have the same force and effect as it had been made by a competent Civil Court and shall continue in force until withdrawn or cancelled.

111. Registrar to be Civil Court for certain purpose:

The Registrar or any person empowered by him/her in this behalf shall be deemed, when exercising any power under this Bill for the recovery of any amount by attachment or sale without attachment of any property or when passing any orders on any implication made to him/her for such recovery or to take any step in aid of such recovery, to be a Civil Court for the purpose of Article 182 of the First Schedule to the Indian Limitation Act, 1908.

112. Recovery of Sums due:

(1) All dues recoverable under this Bill or Rules framed there under shall be reduced to the form of a Co-operative Demand Certificate as in Schedule 'C' over the signature of the Registrar or of such Gazetted Officers as may have powers delegated to them by the Registrar in this behalf and shall be recovered as an arrear of land revenue and shall be paid to the certificate holder or his/her authorised nominee. Such certificate shall be in the name of the claimant and shall be delivered to him/her.

(2) Notwithstanding anything contained in sub section (1), all the said dues shall also be recoverable as public demand on a written requisition send to the certificate officer in the prescribed form over the signature of the Registrar or of such Gazetted Officer or Officer of a Co-operative Society as may have powers delegated to him by the Registrar in this behalf.

(3) For the purpose of this section a member of an Affiliated Society shall be deemed to be a member of the Affiliating Society and loans due to the affiliated society shall be deemed also to be loan due to Affiliating Society to the extent that loans from the Affiliating Society to the affiliated society are outstanding and cannot be recovered from the affiliated society provided that not more than one demand certificate may be executed against a single loan.

(4) A copy of the Co-operative Demand Certificate prepared under this section shall be served in the manner prescribed upon the person from whom the amount is due.

(5) On receipt of a copy of the Co-operative Demand Certificate, the person from whom the amount is due shall pay the same within a period of thirty days from the date of service of the certificate:

Provided that the period during which the payment is to be made may be extended by the Registrar for a period not exceeding thirty days for reasons to be recorded in writing.

(6) Any person violating the provisions of sub-section (5) above shall, on conviction be punished with imprisonment of either description which may extend to six months or with a fine not less than five thousand rupees or as the Registrar may deem fit for or with both.

113. Registrar may order a Meeting of Creditors:

(1) Notwithstanding anything contained in this Bill, where a compromise or arrangement is proposed between a registered society and its creditor or creditors or any class of them the Registrar, upon an application made by a registered society or by Liquidator, in case of a society in respect of which an order has been passed for the winding up thereof, or by a creditor or creditors or any class of creditors may order a meeting of the creditors.

(2) If a majority number of creditors or the class of creditors, as the case may be representing claims to three-fourths of the debts due by the society to the creditor or class of creditors, at a meeting agree to any compromise or arrangement and if the Registrar agrees to such compromise or agreement and gives his/her sanction then the compromise or the arrangement shall be binding on all the creditors or class of creditors and also on the society or on the Liquidator in the case of a society in respect of which an order has been passed for the winding up thereof, and on all persons who may be required by the Liquidator to contribute to the assets of the society.

CHAPTER XII
MISCELLANEOUS

114. Previous sanction of Reserve Bank of India or NABARD in certain matters:

Notwithstanding anything contained in Sections 12, 13, 14, and 15, in the case of a Co-operative Bank or an Urban Co-operative Bank, no conversion, transfer, division, amalgamation merger dissolution shall take place save with the previous sanction in writing of the Reserve Bank of India, the National Bank of Agriculture and Rural Development Bank, as the case may be. Once a banking license is cancelled by the concerned authority, it is mandatory on the part of Registrar of Co-operative Societies to send it into liquidation.

115. Society to be a Body Corporate:

Every registered Co-operative Society shall be deemed to be body corporate by the name under which it is registered, with perpetual succession and a common seal, and with power to hold property, to enter into contracts, institute and defend suits and other legal proceedings and to do all things necessary for the purpose for which it was constituted.

116. Register of members:

Any register or list of members or share kept by any registered society shall be prima facie evidence of any of the following particulars entered therein –

a) The date on which the name of any person was entered in such register or list as a member and
b) The date of which any such member ceased to be a member.

117. Entries in books of registered society shall be received as prima facie evidence:

1) A copy of any entry in a book of a registered society, regularly kept in the course of business shall, if certified by the Chairman or Secretary of the society, be received in any suit or legal proceedings as prima facie evidence of such entry and shall be admitted as evidence of the matters, transactions and accounts therein recorded in every case where, and to the same extent as the original entry itself is admissible.

2) No Officer or Liquidator of a registered society and no Officer in whose office the books of a registered society are deposited after liquidation shall in any legal proceedings to which the society or the Liquidator is not a party, be compelled to produce any of the society's books the contents of which can be proved under sub-section (1) or to appear as a witness to prove the matters;

transaction and accounts therein recorded unless specially so directed by an order of the court of the Arbitrator.

118. Savings of existing societies:

1) Every society existing at the commencement of the Bill which has been registered under the Assam Co-operative Society Act, 1949, law shall be deemed to be registered under this Bill, and its Bye-Law shall, in so far as they are not inconsistent with the provisions of this Bill, continue in force until altered or rescinded and shall to such extent be deemed to be registered under this Bill.

2) All appointment, Rules and orders made, notification and notices issued, all transaction entered into and all suits and other proceedings instituted under the said Bill shall continue and shall, so far as may be deemed to have been respectively made, issued entered into or instituted under this Bill.

119. Acts of societies etc. Not to be invalidated by certain defects:

1) No Act of a Registered Society or of a Managing or Controlling body or of any Officer or Liquidator done in good faith in pursuance of the business of the society shall be
deemed to be invalid by reason only of some defect subsequently discovered in the organisation of the society or in the constitution of any such body or in the appointment or election of the Officer or Liquidator or on the ground that such officer or Liquidator was disqualified for appointment.

2) No act done in good faith by any person appointed under this Bill shall be invalid merely by reason on the fact that his appointment has been cancelled or in consequence of any order subsequently passed under this Bill.

3) The Registrar shall decide whether any act was done in good faith in pursuance of the business of a society.

120. Power to order recoupment of expenditure:

Notwithstanding anything contained in any other law for the time being in force the State Government may, by a general or special order, require every registered society or a class of registered societies to make contribution of such sum annually to be fixed by the Registrar towards the recoupment of administrative expenditure incurred by the Government in respect of Inspection, Supervision and Guidance of a society or class of societies or of any service to such society or class of societies.

121. Super-session of Board by Registrar:

If in the opinion of the Registrar the Board of a Co-operative Society is persistently making default or is negligent in the performance of the duties imposed on it by this Bill or the Rules or the Bye-Laws or has committed any act which is prejudicial to the interests of the society or its members, or has omitted or failed to comply with any directions given to it or that there is stalemate in the constitution or functions of the

Board, the Registrar shall cause an Inquiry under Section 82 or an Inspection under Section 83 and after giving the society an opportunity to state its objections, if any and after considering the objections, if received forward the Inquiry/Inspection report to the society for placing the report before the Annual General Meeting if due within 60 days from the date of receipt of the report by the society, or at a Special General Meeting to be convened specially for considering to take actions as suggested in the report under sub-section (5) of Section 82 and sub-section (4) of Section 83. If no action as stated above is taken by the society within the stipulated period the Registrar shall by an order in writing supersede the Board and appoint one or more administrators or an ad-hoc committee from the department to manage the affairs of the society for such period not exceeding three months as may be specified in the order which period may at the discretion of the State Government be extended from time to time.

Provided that the total period of extension in any case shall not exceed six months, such appointed person shall call a special General Meeting and shall elect a new Board within the above period.

122. Power to seize records of society:

1) If the Registrar or any person authorised by him/her in this behalf while making Audit, Inspection, Inquiry or Supervision as the case may be believe or has reason to believe that the registered society is not keeping or maintaining the accounts, books and records of the society properly or finds or reasonably suspects gross negligence of duties misappropriate or misuse of fund of the society irregularity in recording

   proceeding or keeping accounts or books he/she shall have power to take possession of any or all books, registers or documents, cash in hand or accounts books of the society and remove such seized property as may be directed by the Registrar.

2) The person seizing the property of the society under sub-section (1) shall prepare an inventory of the properties seized in duplicate with his signature and require the officer or member of the society from whose possession or custody the property is

   seized to put his signature in witness thereof and if such officer or member refuses to sign, then the person seizing the property shall call upon two or more persons to sign the seizure list. A copy of the list prepared under this section signed by the witnesses shall be delivered to the officer of the society.

3) The Registrar shall take immediate steps in such case for Audit and Inspection and pass such orders as he/she may deem think fit.

4) The administrative head of a civil sub-division or administrative area shall give police help to all Officers mentioned in sub-section (1) to this section when sought for.

123. Powers of the Managing Body of an Affiliating Society to enquire into the affairs of a member society:

When a registered society takes a loan from an affiliating society and defaults payment of the debt on any instalment thereof, any member of the Managing Body of the Affiliating Society may examine and look into the accounts and workings of such borrowing society and report the result of his inquiry or examination particularly with reference to the said loan to the Affiliating Society and may recommend any suggestion in his report. The borrowing society shall furnish such information and produce such documents, books and accounts as the member of the Managing Body may require.

124. Limitation:

1) Notwithstanding any of the provisions of the Indian Limitation Act, 1908 the period of limitation for the institution of a claim to recover any sum, including the interest thereon, due to a registered society by a member thereof shall be computed from the date on which such member dies or ceases to be a member of a society.

2) The Indian Limitation Act, 1908 shall not apply to any debts or liability due by any member, past member or deceased member to any society in respect of which an order of dissolution has been passed under this Bill.

125. Information and returns to be filed with the Registrar:

1) Every year within thirty days of holding of the Annual General Meeting, the Board shall file the following information with the Registrar –
   a) Annual Report of activities;
   b) Annual financial statements of accounts as audited with auditor's report thereon;
   c) Statistical statement indicating name of the Co-operative Society, services offered by the Co-operative Society to the members, total number of members as on the last day of the financial year;
   d) Total liabilities expressed as –
      (i) Funds from members and surplus;
      (ii) Funds from other external sources as on the last day of the financial year;
      (iii) Quantum or rupees or services provided to members and non members and surplus or deficit at the end of the financial year; and

2) Along with the returns specified in sub-section (1) every Co-operative Society shall furnish the following information to the Registrar –
   a) The date of Annual General Meeting at which the returns to be filed with the Registrar were considered or approved;

b) The total number of members on the rolls of the Co-operative Society who were eligible to vote on the date of such Annual General Meeting;

c) The number of eligible members present at such Annual General Meeting;

d) List of names or Directors with addresses and terms of office;

e) Name and address of the internal auditor appointed for internal audit of the society for the current financial year accounts;

f) Any other relevant and special information required by the Registrar to enable him/her to decide whether the Co-operative Society has conducted its affairs in accordance with the Co-operative Principles mentioned in Schedule 'A' and the provision of this Bill and the Bye-Laws.

3) If the return sand information as specified under sub-section (1) and (2) are not filed or furnished to the Registrar within the period specified under sub-section (1) shall treated as an offence under this Bill and the Board shall be penalised in accordance with provisions of this Bill.

126. Power to make Rules:

1) The State Government may, after previous publication, make Rules for carrying out the purpose and objects of this Bill, and such Rules may provide a penalty not exceeding five thousand rupees for a breach thereof;

2) Every Rule made under this section shall be laid as soon as may be after it is made before the Nagaland Legislative Assembly while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions and if before the expiry of the session in which it is so laid or the session immediately following the Nagaland Legislative Assembly in making any notification in the rule or the Nagaland Legislative Assembly agree that theRules should not be made, the Rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that Rule.

127. Repeal:

The Assam Co-operative Societies Act, 1949 (Assam Act 1 of 1950) as enforced in Nagaland is hereby repealed.

SCHEDULE – 'A'

(See Section4(1), 25)

CO-OPERATIVE PRINCIPLES

The Co-operative Principles are guidelines by which co-operative societies put their values into practice:

1st Principle: **Voluntary and Open Membership:**
Co-operatives are voluntary organizations, open to all persons able to use the services of such co-operatives and willing to accept the responsibilities of membership, without gender, social, racial, political, or religious discrimination.

2nd Principle: **Democratic Member Control:**
Co-operatives are democratic organizations controlled by their members, who actively participate in deciding their policies and making decisions. The elected representatives of co-operatives are responsible and accountable to their members.

3rd Principle: **Member Economic Participation:**
Members of co-operative contribute equitably and democratically control the capital of their co-operative. Members usually receive limited compensation, if any, on capital subscribed as a condition of membership.

4th Principle: **Autonomy and Independence:**
Co-operatives are autonomous, self-help and self-governing organizations controlled by their members. If co-operatives enter into agreement with other organizations, including government, or raise capital from external sources, they do so on terms that ensure their democratic control by members by retaining its autonomous character.

5th Principle: **Education, Training and Information:**
Co-operatives provide education and training to their members, elected representatives, managers and employees so that they can contribute effectively to the development of their co-operatives. They inform the general public particularly young people and opinion leaders about the nature and benefits of co-operation.

6th Principle: **Co-operation among Co-operatives:**
Co-operatives serve their members most effectively and strengthen the co-operative movement by working together through available local, national, regional and international structures.

7th Principle: **Concern for Community:**
While focusing on their member needs and wishes, co-operatives work for the sustainable development of communities, through policies approved by their members.

SCHEDULE – 'B'

(*See Section 9*)

Subject matter for specific consideration when framing Bye-Laws

1. Identity of the Co-operative Society:

a) The name of the Co-operative;
b) The village/town/city where the head office of the Co-operative Society is to be located;
c) The custody and use of the common seal;
d) The area of operation from where the membership is to be drawn.

2. Aim and services:

a) The aim of the Co-operative Society explicitly stated as a common need of the members which the Co-operative Society aims at fulfilling;
b) Key service and support services to members to fulfill the common need stated in the aim;
c) The conditions under which services may be provided to non-membership.

3. Membership:

a) Eligibility, ineligibility for obtaining membership;
b) Eligibility, ineligibility for continuing membership;
c) Procedure for obtaining membership;
d) Procedure for withdrawing membership;
e) Procedure for termination of membership;
f) Circumstances under which membership ceases;
g) Procedure for cessation membership.

4. Member rights and obligations:

a) The rights of members;
b) Manner of fixation of minimum performance expected annually of each member vis-à-vis use of services, financial commitment, participation in meetings and adherence to bye-laws, in order to be eligible to exercise the rights of membership including the right vote;
c) The consequences of performing below the minimum level fixed;
d) The consequences of default in payment of any sum due by a member.

5. General Body:

a) The role of the General Body and of the Delegate General Body, if any, and subjects which must be dealt with by the General Body and by the Representative General Body, if any;
b) The manner and frequency of convening General Meetings, the mode of communication of the intimation of these meetings and quorum required;
c) The minutes of proceedings of General Meetings.

6. Board of Directors:

a) The size and composition of the Board of Directors;
b) Eligibility, ineligibility for becoming Director;
c) Eligibility, ineligibility for retaining Directorship;
d) The procedure for election including the appointment of election officer, removal of directors, the election of the President, Vice President and representative and filling of casual vacancy;
e) The terms of office of the Directors;
f) The frequency of Board Meetings;
g) The manner of convening Board Meetings and quorum;
h) The functions, responsibilities and powers of the Board;
i) The minutes of proceedings of Board Meetings;
j) The function, responsibilities and powers of Directors.

7. Chief Executive and Staff:

a) The person to sue or be sued on behalf of the Co-operative Society;
b) The manner of appointment and removal of Chief Executive;
c) The function, responsibilities and powers of the Chief Executive.

8. Finances:

a) The financial year which the Co-operative Society wishes to adopt;
b) The manner of appointment of Auditors and their duties;
c) The manner of appointment of Internal Auditors and their duties;
d) The nature and amount of equity capital if any, of the Co-operative Society;
e) The maximum capital which a single member can hold;
f) The types and extent to funds to be raised;
g) The purposes for which the funds raised by the Co-operative Society may be applied;
h) The debt-equity ratio that the Co-operative Society wishes to maintain at all times, and the maximum external debt that a Co-operative Society wishes to permit itself at any point of time;
i) Procedure for transfer of shares or interest by a member;
j) Procedure for redemption of shares by the Co-operative;
k) Procedure for transfer or repayment of interest on death of member;
l) The nature and extent of the liability of the members for the debts contracted by the Co-operative Society;
m) The nature and extent of the liability of the Directors for the debts contracted by the Co-operative Society;
n) The manner of disposal of funds if under liquidation.

9. Secondary Co-operative Societies:

a) The right, if any, which the Co-operative Society wishes to confer on any Secondary Co-operative Society of which it is a member, and the circumstances under which these rights may be exercised by such Secondary Co-operative Society;

b) The procedure of appointing and changing representative to Secondary Co-operative Society.

10. Other matters:

a) The manner of making or amending Bye-Laws;

b) The manner of constitution and functioning of arbitration council along with the qualification of the members for settlement of disputes;

c) The manner and dissolution of the Co-operative Society,

d) The language in which the affairs of the Co-operative Society are to be conducted;

e) Refunding of loan, guarantee, share capital, grant or subsidy received from Government;

f) Other matters which the provision of this Act requires to be provided by the Bye-Laws.

SCHEDULE -'C'

FORM (*See Section112*)

Co-operative Demand Certificate granted under Section. 112 (1) of the Nagaland Co-operative Societies Bill 2017.

Case No .... of 20.........

District/Sub-division ....

In the matter of ....

versus

....

Whereas' as a result of my enquiry I decide that a sum of Rs ....
(Rupees..)
by way of .... under Section 100 (1) of the Nagaland Co-operative Societies Bill, 2017, and a sum of Rs ....
(Rupees ....)
by way of interest is/are due from you and you have not paid.

Or

Whereas .... has made a reference in writing to me complaining/determining that a sum of Rs ....
(Rupees ....) by way of . ...
. . . .under section .... of the Nagaland Co-operative Societies Bill, 2017 and a sum of Rs.................................
(Rupees...)
by way of interest is/are due from you and you have evaded payment of the same.

2. And whereas a notice of demand calling on you to pay the dues within the specified time was served with notice to show cause.

3. And whereas you have not paid up your dues specified in the notice.

4. And whereas you have not submitted explanation/your explanation is unsatisfactory.

5. Now, therefore I, under authority of Section 100 (1) of the Nagaland Co-operative Societies Bill, 2017 sub-Section (1) of Section 112 of the Nagaland Co-operative Societies Bill, 2017 do hereby order that the above mentioned sum of Rs ....
(Rupees ....)
is due to the above named from you and that you will pay the amount with further interest

on the principal sum at the rate of ………… Percent per annum from ………………….. together with all costs till the date of realization of the above mentioned sum.

6. I further order that right, title and interest of ………………………………………………….. in the properties set out and described in the schedule below be sold as an arrear of land revenue under the provisions of the Assam Land Revenue Regulation, 1886 (Regulation I of 1886) and that, if the sale proceeds should be found insufficient to discharge the dues with subsequent interest at the above rate till the date of realization and costs in full, the balance be realized by attachment and sale of other movable and immovable property of judgment-debtor as an arrear of land revenue.

7. Further take notice that if you fail to pay the amount as ordered above within a period of thirty days from the date of service of Certificate you shall also liable to prosecution under sub Section (6) of Section 112 of the Nagaland Co-operative Society Bill, 2017 in addition to other measures for recovery of the amount payable by you.

Schedule

Dated …………..

The ……………..

Registrar Co-operative Societies
Nagaland Kohima

N.B. The irrelevant words/portions may be struck off and relevant entries may be made where necessary.

Sd/-
Registrar Co-operative Societies
Nagaland, Kohima.

PART-V

NAGALAND LEGISLATIVE ASSEMBLY SECRETARIAT KOHIMA

NOTIFICATION

NO.AS/LEG-09/2017/ 1453 Dated Kohima, the 24th March, 2017

The Nagaland Appropriation Acts (Repeal) Bill, 2017 which was introduced in the Nagaland Legislative Assembly on 23rd March, 2017 is published for general information together with the Statement of Objects and Reasons and Financial Memorandum under the proviso of the Rule 72 of the Rules of Procedure and Conduct of Business in the Nagaland Legislative Assembly.

Sd/-

N. BENJAMIN NEWMAI
COMMISSIONER & SECRETARY
Nagaland Legislative Assembly
Secretariat: Kohima

THE NAGALAND APPROPRIATION ACTS (REPEAL) BILL, 2017

A
BILL

To authorise Repeal of Nagaland Appropriation Acts passed by the Parliament, on the recommendations of the Law Commission of India and the Ramanujan Committee constituted by the Prime Minister's Office, Government of India.

It is hereby enacted in the **Sixty Eighth Year** of the Republic of India as follows,

Short Title and Commencement

1. This Act may be called **The Nagaland Appropriation Acts (Repeal), 2017**.

Appropriation Acts

2. The following Appropriation Acts pertaining to the State of Nagaland, enacted by the Parliament during President's Rule which have become obsolete and redundant have been listed below to be repealed by the Nagaland Legislative Assembly:-

1. The Nagaland Appropriation Act 1975.
2. The Nagaland Appropriation (Vote on Account) Act 1975.
3. The Nagaland Appropriation (No. 2) Act 1975.
4. The Nagaland Appropriation Act 1976.
5. The Nagaland Appropriation (No. 2) Act 1976
6. The Nagaland Appropriation (Vote on Account) Act 1977.
7. The Nagaland Appropriation Act 1977, &
8. The Nagaland Appropriation (No. 2) Act 1977

STATEMENT OF OBJECT AND REASONS

The Nagaland Appropriation Acts (Repeal), 2017.

The object of this Bill is to Repeal obsolete and redundant laws that were enacted by the Parliament during President's Rule in States, and which have become irrelevant or dysfunctional, which the State Legislature has the competent power to amend or repeal those Acts.

Sd/-

Dr. Shürhozelie Liezietsu
Chief Minister
and
Minister In-charge, Finance

FINANCIAL MEMORANDUM

The implementation of the Nagaland Appropriation Acts (Repeal Bill, 2017 does not involve any recurring or non recurring expenditure from the consolidated fund of the State of Nagaland.

Sd/-

DR. SHÜRHOZELIE LIEZIETSU
Chief Minister
In-charge of Finance

PART-V

NAGALAND LEGISLATIVE
ASSEMBLY SECRETARIAT
KOHIMA

NOTIFICATION

NO.AS/LEG-13/2017 1477 Dated Kohima, the 31st March, 2017

The Nagaland Appropriation (No. 1) Bill, 2017 which was introduced in the Nagaland Legislative Assembly on 30th March, 2017 is published for general information together with the Statement of Objects and Reasons and Financial Memorandum under the proviso of the Rule 72 of the Rules of Procedure and Conduct of Business in the Nagaland Legislative Assembly.

Sd/-
N. BENJAMIN NEWMAI
COMMISSIONER & SECRETARY
Nagaland Legislative Assembly
Secretariat: Kohima

THE NAGALAND APPROPRIATION (NO. 1) BILL, 2017

A
BILL

To authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the State of Nagaland to the services of the year ending on the thirty first day of March, 2017.

It is hereby enacted in the Sixty Eighth year of the Republic of India as follows.

Short Title and Commencement

1. This Act may be called the **Nagaland Appropriation (No. 1) Act, 2017.**

Withdrawal of ₹ 3403,76,04,000 (Rupees three thousand four hundred three crore seventy six lakh four thousand only) from and out of the Consolidated Fund of the State of Nagaland for Financial Year 2016-2017.

2. From and out of the Consolidated Fund of the State of Nagaland there may be paid and applied further sums not exceeding those specified in the Schedule amounting in the aggregate to the sum of **₹ 3403,76,04,000 (Rupees three thousand four hundred three crore seventy six lakh four thousand only)** towards defraying the several charges which will come in course of payment during the year ending on the thirty first day of March, 2017 in respect of services specified in Column (4) of the Schedule.

Appropriation

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Nagaland by this Act shall be appropriated for the services and purpose expressed in the Schedule in relation to the year ending on the thirty first day of March, 2017.

SCHEDULE

THE NAGALAND APPROPRIATION (NO. 1) BILL, 2017

(Rs. in Lakhs)

Demand /Appropriation, Service & Purposes		Section	Voted by the Assembly	Charged on the Consolidated Fund	Total
		1	2	3	4
1	State Legislature	REVENUE	135.60	27.80	163.40
3	Council of Ministers	REVENUE	633.94		633.94
4	Administration of Justice	REVENUE	220.80	54.57	275.37
		CAPITAL	184.12		184.12
5	Election	REVENUE	581.70		581.70
6	Land Revenue	REVENUE	1.45		1.45
7	State Excise	REVENUE	17.20		17.20
8	Sales Tax	REVENUE	177.77		177.77
9	Taxes on Vehicle	REVENUE	81.00		81.00
10	Public Service Commission	REVENUE		34.15	34.15
12	Treasuries and Accounts Adminstration	REVENUE	84.11		84.11
13	Village Guards	REVENUE	5.00		5.00
14	Jails	REVENUE	64.13		64.13
15	Vigilance Commission	REVENUE	33.49		33.49
16	State Guest Houses	REVENUE	142.11		142.11
17	State Lotteries	REVENUE	17.51		17.51
19	Rajya Sainik Board	REVENUE	13.12		13.12
20	Relief, Rehabilitation etc.	REVENUE	39.20		39.20
21	Relief of Distress caused by Natural Calamities	REVENUE	1641.99		1641.99
22	Civil Supplies	REVENUE	1326.43		1326.43
		CAPITAL	12.00		12.00
25	Land Records and Survey	REVENUE	17.00		17.00
26	Civil Secretariat	REVENUE	407.51		407.51
28	Civil Police	REVENUE	9353.98		9353.98
30	Administrative Training Institute	REVENUE	82.83		82.83
31	School Education	CAPITAL	580.37		580.37
32	Higher Education	CAPITAL	228.63		228.63

(Rs. in Lakhs)

Demand /Appropriation, Service & Purposes		**Section**	**Voted by the Assembly**	**Charged on the Consolidated Fund**	**Total**
33	Youth Resources and Sports	REVENUE	226.33		226.33
		CAPITAL	1224.44		1224.44
34	Art and Culture and Gazetteers	REVENUE	118.95		118.95
35	Medical, Public Health and Family Welfare	REVENUE	1692.89		1692.89
		CAPITAL	3965.20		3965.20
36	Urban Development	REVENUE	108.32		108.32
		CAPITAL	2925.37		2925.37
37	Municipal Administration	REVENUE	557.07		557.07
		CAPITAL	7357.45		7357.45
38	Information and Public Relations	REVENUE	3.09		3.09
39	Tourism	REVENUE	74.98		74.98
41	Labour	REVENUE	64.27		64.27
42	Rural Development	REVENUE	13101.31		13101.31
43	Social Security and Welfare	REVENUE	3354.61		3354.61
44	Evaluation	REVENUE	106.63		106.63
		CAPITAL	15.00		15.00
45	Co-operation	REVENUE	105.24		105.24
47	Legal Metrology and Consumer Protection	REVENUE	64.60		64.60
48	Agriculture	REVENUE	2474.72		2474.72
49	Soil and Water Conservation	REVENUE	1728.58		1728.58
50	Animal Husbandry and Dairy Development	CAPITAL	590.00		590.00
51	Fisheries	REVENUE	371.59		371.59
53	Industries	REVENUE	983.47		983.47
54	Mineral Development	REVENUE	342.56		342.56
		CAPITAL	1023.86		1023.86
55	Power	REVENUE	3821.93		3821.93
		CAPITAL	1835.08		1835.08
56	Road Transport	CAPITAL	686.90		686.90
58	Roads and Bridges	REVENUE	6588.07		6588.07
		CAPITAL	12111.17		12111.17
59	Irrigation and Flood Control	REVENUE	64.08		64.08
61	Special Development Programme	CAPITAL	100.00		100.00

(Rs. in Lakhs)

Demand /Appropriation, Service & Purposes		Section	Voted by the Assembly	Charged on the Consolidated Fund	Total
62	Civil Administration Works	REVENUE	32.39		32.39
		CAPITAL	495.76		495.76
63	Science, Technology, Ecology and Environment	REVENUE	35.00		35.00
64	Housing	REVENUE	417.91		417.91
		CAPITAL	1251.28		1251.28
65	State Council of Educational Research and Training	REVENUE	932.47		932.47
		CAPITAL	642.04		642.04
67	Home Guards	REVENUE	375.43		375.43
68	Police Engineering Project	REVENUE	11.50		11.50
		CAPITAL	700.00		700.00
69	Fire and Emergency Services	REVENUE	352.50		352.50
		CAPITAL	190.84		190.84
75	Servicing of Debt	CAPITAL		248921.65	248921.65
76	Women Welfare	REVENUE	354.00		354.00
		CAPITAL	320.00		320.00
77	Development of Underdeveloped Areas	REVENUE	7.20		7.20
		CAPITAL	710.37		710.37
79	Border Affairs	REVENUE	357.65		357.65
80	State Information Commission	REVENUE		96.20	96.20
82	New and Renewable Energy	REVENUE	184.58		184.58
		CAPITAL			0.00
	Grand Total :		**91241.67**	**249134.37**	**340376.04**
	Capital :		**37334.46**	**248921.65**	**286256.11**
	Revenue :		**53907.21**	**212.72**	**54119.93**

STATEMENT OF OBJECT AND REASONS

The Nagaland Appropriation (No. 1) Bill, 2017

The object of this Bill introduced in pursuance of Article 204 (1) of the Constitution of India, read with Article 205 thereof, is to provide for the appropriation out of the Consolidated Fund of the State of Nagaland of all moneys required to meet the expenditure charged on the Consolidated Fund of State of Nagaland and the grants made by the Legislative Assembly for the expenditure of the Government of Nagaland for the financial year 2016-2017.

Dr. Shürhozelie Liezietsu
Chief Minister,
and
Minister In- Charge, Finance.

PART-V

NAGALAND LEGISLATIVE ASSEMBLY SECRETARIAT KOHIMA

NOTIFICATION

NO.AS/LEG-14/2017/ 1479 Dated Kohima, the 31st March, 2017

The Nagaland Appropriation (No. 2) Bill, 2017 which was introduced in the Nagaland Legislative Assembly on 30th March, 2017 is published for general information together with the Statement of Objects and Reasons and Financial Memorandum under the proviso of the Rule 72 of the Rules of Procedure and Conduct of Business in the Nagaland Legislative Assembly.

Sd/-
N. BENJAMIN NEWMAI
COMMISSIONER & SECRETARY
Nagaland Legislative Assembly
Secretariat: Kohima

THE NAGALAND APPROPRIATION (NO. 2) BILL, 2017

A
BILL

To authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the State of Nagaland to the services of the year ending on the thirty first day of March, 2018.

It is hereby enacted in the Sixty Eighth Year of the Republic of India as follows.

Short Title and Commencement

1. This Act may be called the **Nagaland Appropriation (No. 2) Act, 2017.**

Withdrawal of ₹ 16375,42,00,000/- (Rupees Sixteen thousand three hundred seventy five crore forty two lakh only) from and out of the Consolidated Fund of the State of Nagaland for the Financial year 2017 -18.

2. From and out of the Consolidated Fund of the State of Nagaland there may be paid and applied sums not exceeding those specified in Column (4) of the Schedule amounting in the aggregate to the sum of **₹ 16375,42,00,000/- (Rupees Sixteen thousand three hundred seventy five crore forty two lakh only)** towards defraying the several charges which will come in course of payment during the year ending on the thirty first day of March, 2018 in respect of services specified in Column (1) of the Schedule.

Appropriation

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Nagaland by this Act shall be appropriated for the services and purpose expressed in the Schedule in relation to the year ending on the thirty first day of March, 2018.

SCHEDULE

THE NAGALAND APPROPRIATION (No. 2) BILL, 2017

(Rupees in Lakh)

Demand / Appropriation No.		Section	Voted by the Assembly	Charged on the Consolidated Fund	Total
		1	2	3	4
1	State Legislature	REVENUE	2011.40	102.68	2114.08
		CAPITAL	250.00		250.00
2	Head of State	REVENUE		635.38	635.38
3	Council of Ministers	REVENUE	996.75		996.75
4	Administration of Justice	REVENUE	2342.10	653.48	2995.58
		CAPITAL	2910.00		2910.00
5	Election	REVENUE	902.95		902.95
6	Land Revenue	REVENUE	109.49		109.49
7	State Excise	REVENUE	2070.54		2070.54
		CAPITAL	258.00		258.00
8	Sales Tax	REVENUE	1402.93		1402.93
		CAPITAL	150.00		150.00
9	Taxes on Vehicle	REVENUE	997.46		997.46
		CAPITAL	175.00		175.00
10	Public Service Commission	REVENUE		595.95	595.95
11	District Administration	REVENUE	13046.45		13046.45
12	Treasuries and Accounts Administration	REVENUE	3390.56		3390.56
		CAPITAL	200.00		200.00
13	Village Guards	REVENUE	3231.22		3231.22
		CAPITAL	100.00		100.00
14	Jails	REVENUE	3995.33		3995.33
		CAPITAL	167.00		167.00
15	Vigilance Commission	REVENUE	741.27		741.27
16	State Guest Houses	REVENUE	1283.24		1283.24
17	State Lotteries	REVENUE	264.69		264.69
18	Pensions and Other Retirement Benefits	REVENUE	142101.58		142101.58
19	Rajya Sainik Board	REVENUE	318.10		318.10
20	Relief, Rehabilitation etc.	REVENUE	111.00		111.00
21	Relief of Distress caused by Natural Calamities	REVENUE	1350.00		1350.00
22	Civil Supplies	REVENUE	2165.82		2165.82
		CAPITAL	226.00		226.00

(Rupees in Lakh)

Demand / Appropriation No.		Section	Voted by the Assembly	Charged on the Consolidated Fund	Total
23	Loans to Government Servants	REVENUE	0.01		0.01
		CAPITAL	18.65		18.65
24	Small Savings	REVENUE	5.00		5.00
25	Land Records and Survey	REVENUE	1826.58		1826.58
		CAPITAL	100.00		100.00
26	Civil Secretariat	REVENUE	14607.83		14607.83
27	Planning Machinery	REVENUE	51659.68		51659.68
		CAPITAL	25233.00		25233.00
28	Civil Police	REVENUE	115109.01		115109.01
29	Stationery and Printing	REVENUE	1966.79		1966.79
		CAPITAL	227.00		227.00
30	Administrative Training Institute	REVENUE	520.76		520.76
		CAPITAL	50.00		50.00
31	School Education	REVENUE	147744.84		147744.84
		CAPITAL	250.00		250.00
32	Higher Education	REVENUE	18862.52		18862.52
		CAPITAL	420.00		420.00
33	Youth Resources and Sports	REVENUE	3145.87		3145.87
		CAPITAL	100.00		100.00
34	Art and Culture and Gazetteers	REVENUE	1555.02		1555.02
		CAPITAL	172.00		172.00
35	Medical, Public Health and Family Welfare	REVENUE	55795.76		55795.76
		CAPITAL	5900.00		5900.00
36	Urban Development	REVENUE	1316.68		1316.68
		CAPITAL	3646.00		3646.00
37	Municipal Administration	REVENUE	2966.98		2966.98
		CAPITAL	9535.00		9535.00
38	Information and Public Relations	REVENUE	2822.59		2822.59
		CAPITAL	130.00		130.00
39	Tourism	REVENUE	1301.42		1301.42
		CAPITAL	1748.50		1748.50
40	Employment and Craftsmen Training	REVENUE	3008.56		3008.56
		CAPITAL	75.00		75.00
41	Labour	REVENUE	834.65		834.65
		CAPITAL	245.00		245.00
42	Rural Development	REVENUE	74260.71		74260.71
43	Social Security and Welfare	REVENUE	20926.20		20926.20

(Rupees in Lakh)

Demand / Appropriation No.		Section	Voted by the Assembly	Charged on the Consolidated Fund	Total
44	Evaluation	REVENUE	675.70		675.70
		CAPITAL	120.00		120.00
45	Co-operation	REVENUE	1728.01		1728.01
		CAPITAL	25.00		25.00
46	Statistics	REVENUE	2996.29		2996.29
		CAPITAL	190.00		190.00
47	Legal Metrology and Consumer Protection	REVENUE	951.12		951.12
		CAPITAL	100.00		100.00
48	Agriculture	REVENUE	17314.32		17314.32
		CAPITAL	400.00		400.00
49	Soil and Water Conservation	REVENUE	5512.32		5512.32
		CAPITAL	20.00		20.00
50	Animal Husbandry and Dairy Development	REVENUE	10745.39		10745.39
		CAPITAL	100.00		100.00
51	Fisheries	REVENUE	2578.85		2578.85
		CAPITAL	185.00		185.00
52	Forest, Environment and Wildlife	REVENUE	9148.48		9148.48
53	Industries	REVENUE	6461.09		6461.09
		CAPITAL	150.00		150.00
54	Mineral Development	REVENUE	2698.18		2698.18
		CAPITAL	200.00		200.00
55	Power	REVENUE	43386.37		43386.37
		CAPITAL	1350.00		1350.00
56	Road Transport	REVENUE	7551.94		7551.94
		CAPITAL	993.83		993.83
57	Housing Loans	REVENUE	0.01		0.01
		CAPITAL	21.52		21.52
58	Roads and Bridges	REVENUE	28776.56		28776.56
		CAPITAL	11167.00		11167.00
59	Irrigation and Flood Control	REVENUE	3282.10		3282.10
		CAPITAL	11660.00		11660.00
60	Water Supply	REVENUE	9230.71		9230.71
		CAPITAL	22305.90		22305.90
61	Special Development	CAPITAL	800.00		800.00
62	Civil Administration Works	REVENUE	610.49		610.49
		CAPITAL	1364.00		1364.00
63	Science, Technology, Ecology and Environment	REVENUE	203.85		203.85
		CAPITAL	100.00		100.00

(Rupees in Lakh)

Demand / Appropriation No.		Section	Voted by the Assembly	Charged on the Consolidated Fund	Total
64	Housing	REVENUE	10745.26		10745.26
		CAPITAL	2240.00		2240.00
65	State Council of Educational Research and Training	REVENUE	3003.64		3003.64
		CAPITAL	1100.00		1100.00
66	Sericulture	REVENUE	2249.48		2249.48
		CAPITAL	200.00		200.00
67	Home Guards	REVENUE	3139.01		3139.01
		CAPITAL	200.00		200.00
68	Police Engineering Project	REVENUE	1868.80		1868.80
		CAPITAL	971.00		971.00
69	Fire and Emergency Services	REVENUE	2393.82		2393.82
		CAPITAL	300.00		300.00
70	Horticulture	REVENUE	6466.51		6466.51
		CAPITAL	110.00		110.00
71	Parliamentary Affairs	REVENUE	104.00		104.00
72	Land Resources Development	REVENUE	12983.55		12983.55
		CAPITAL	30.00		30.00
73	State Institute of Rural Development	REVENUE	420.31		420.31
		CAPITAL	159.00		159.00
74	Mechanical Engineering	REVENUE	4007.98		4007.98
		CAPITAL	220.00		220.00
75	Servicing of Debt	REVENUE		105219.59	105219.59
		CAPITAL		506562.86	506562.86
76	Women Welfare	REVENUE	918.54		918.54
		CAPITAL	50.00		50.00
77	Development of Underdeveloped Areas	REVENUE	374.60		374.60
		CAPITAL	4850.00		4850.00
78	Technical Education	REVENUE	1585.49		1585.49
		CAPITAL	592.00		592.00
79	Border Affairs	REVENUE	274.93		274.93
		CAPITAL	100.00		100.00
80	State Information Commission	REVENUE		169.20	169.20
81	Information Technology and Communication	REVENUE	799.16		799.16
82	New and Renewable Energy	REVENUE	385.26		385.26
		CAPITAL	300.00		300.00
	Grand Total :		**1023602.86**	**613939.14**	**1637542.00**
	Revenue :		**908642.46**	**107376.28**	**1016018.74**
	Capital :		**114960.40**	**506562.86**	**621523.26**

STATEMENT OF OBJECT AND REASONS

The Nagaland Appropriation (No. 2) Bill, 2017

The Bill is introduced in pursuance of Article 204 (1) of the Constitution of India, read with Article 205 thereof, to provide for the appropriation out of the Consolidated Fund of the State of Nagaland of all moneys required to meet the expenditure charged on the Consolidated Fund of the State of Nagaland and the grants made by the Legislative Assembly for the expenditure of the Government of Nagaland for the financial year 2017-18.

Dr. Shürhozelie Liezietsu
Chief Minister,
and
Minister In- Charge, Finance.

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